

stands. At 4 to 4, the challenged regulation ordinarily prevails.

I will close with the big sockdolager: Citizens United. It was once the opinion of the U.S. Supreme Court that “to subject the state governments to the combined capital of wealthy corporations [would] produce universal corruption.” No more. The five judges behind Citizens United opened the floodgates for unlimited anonymous corporate spending in elections. They found that corporate corruption of elections was near impossible, and they caused a tsunami of slime—to use a phrase that I borrow—that we have seen in recent election cycles. Such a brute role for big corporations in our American Government would shock the Founding Fathers who foresaw no important role in our Republic for the corporations of the time.

To unleash that corporate power in our elections, the five conservative justices had to go through some remarkable contortions. They had to reverse previous decisions where the Court had said the opposite. They had to make up facts that were then predictably and are now demonstrably wrong. They had to create a make-believe world of independence and transparency in election spending that present experience belies, and they had to maneuver their own judicial procedures to forestall a factual record belying the facts they were making up.

It was a dirty business with a lot of signs of intent, and it has produced evil results that we live with every day. All of this—Republican election advantage, corporate welfare, the conservative social agenda—is because the activists, corporatists, and rightwing bloc had a fifth vote. That bloc of five did more for the far right, for the Republican Party, and for its corporate backers than all of the Republicans in the House and Senate have been able to do. They delivered. Now it is 4 to 4 and that advantage is gone; hence the panic on the Republican side; hence the departure from plain constitutional text.

Imagine any other constitutional duty of the President that he failed to do that would not cause uproar and outrage. There would be nobody on the floor here because everybody would have run off to FOX News to get their talking headshot in and talk about what a terrible thing the President had done by violating his constitutional duty. Well, the President has a constitutional duty—he shall nominate.

They are in a political pickle, but the Constitution doesn't care about the politics. From the Constitution's point of view, the politics are just too darn bad. The Constitution directs the President to make the appointment, and he should do his job. The Constitution gives the Senate the job of advice and consent to the President's nominee. We should do our job just as the Constitution provides.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. PERDUE). Without objection, it is so ordered.

#### REMEMBERING WILLIAM USHER

Mr. MCCONNELL. Mr. President, I wish to commemorate the life and legacy of a distinguished Kentuckian who has sadly passed away. William “Bill” Usher of Paducah died this February 14, 2016, after a short illness. He was 86 years old.

Bill was the owner and manager for many years of Usher Transport, a family-owned and operated Kentucky business founded in the 1940s. He was well known in Paducah and western Kentucky as a community leader, and he was a friend of mine whom I saw often in my travels through Paducah.

Bill gave generously of his time and resources to many organizations, charities, and causes. He served as both president and chairman of the Greater Paducah Chamber of Commerce. He served with Greater Paducah Industrial Development, the Paducah Rotary Club, the Kentucky Motor Transport Association, and National Tank Truck Carriers.

Bill was a board member of Citizens Bank and helped found Paducah's first industrial development group. He was the chairman of the Barkley Regional Airport board of directors. He was also the chairman of the Board of Exhibit Management in Louisville.

Bill understood what it means to serve from a young age. While studying at the University of Kentucky, he was named outstanding cadet of the Air Force ROTC. Upon graduation in 1952, he served as a fighter pilot in the U.S. Air Force and Air Force Reserves for several years, retiring as a major.

While in the military, he served as an air combat and gunner instructor at Luke Air Force Base in Phoenix, AZ, and with the 417th Tactical Fighter Squadron based in France and Germany flying F-100s. He was awarded the Commendation Medal. In the 1960s, he moved back to Paducah to help build the family business.

Bill was a native of Graves County and attended the First United Methodist Church in Mayfield, KY.

He leaves behind his wife Virginia “Ginger” Sabel Usher; two sons, William A. Usher, Jr., and Alan W. Usher; a stepdaughter, Karen Elizabeth Reed Alpers; a stepson, James Boone Reed; three grandsons, Ryan Lunsford Usher, William Patrick Usher, and William A. Usher III; three stepgrandsons, David Roscoe Reed II, William Murphy Reed, and Ely E. Mazmanians; a stepgranddaughter, Avary Frazier; extended family members Gabriel Vieira, Kathleen Overlin, Sabel Overlin, Max Overlin, Elise Overlin, and Stacy Overlin; and many more beloved family members and friends.

The Paducah Sun recently published an article highlighting the impact Bill Usher had on his friends, family, and community. I ask unanimous consent that a copy of the article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Paducah Sun, Feb. 15, 2016]

BILL USHER REMEMBERED AS BENEVOLENT  
PUBLIC SERVANT

(By Kaylan Thompson)

Paducah leaders and friends remember William “Bill” Usher as a driving force of leadership and benevolence throughout the area and say his impact will be felt throughout the community for years to come.

“He’s a rare breed of community leader in Paducah,” said Bill Bartleman, McCracken County commissioner and friend of Usher for nearly 40 years. “He was the old kind of leadership, the behind-the-scenes leader that we used to have, the kind of people who weren’t in the limelight. They just did what they thought was right for the community.”

Usher died early Sunday morning at Morningside Assisted Living. He was 86.

Bartleman, a former legislative reporter with The Sun, first got to know Usher while covering community and political movements in the 1970s. During that time, Usher proved a helpful source and political liaison.

“He was a major force for our community,” Bartleman said. “He did a lot to help the community and did it quietly. He had contacts with political leaders, and he worked with them to get benefits for the community. He did things that people probably didn’t know about and would have been hard to document because he worked so humbly.”

Usher’s political and civic resume includes an array of titles, including chairman of the McCracken County Democratic Party, president of the Greater Paducah Chamber of Commerce, president of the Paducah Rotary Club, and chairman of the Barkley Regional Airport Board of Directors.

“He was always supportive and always encouraged good government,” Bartleman said. “He wanted people to do the right thing. He didn’t use his influence to benefit himself, he used it solely to benefit the community through the bureaucracy of government.”

During Bartleman’s campaign for political office, he added, Usher often reached out to him.

“He said he was supportive of me as long as I would do what’s right for the community and the people,” he said. “Even in his senior years he was involved in politics and wanted things done right, not to see people elected to help himself, but to see people elected who would do good government.”

That inspiration, Bartleman said, is the torch Usher passed on to him and others, encouraging them to lead with humility.

“What I learned from him is to just do the right thing and don’t seek publicity,” Bartleman said. “In the long run you’ll be rewarded, at least in knowing you benefited the community. Your involvement in anything should be to do what’s right and not seek self-gratification.”

Usher, a Mayfield native, was a graduate of Mayfield High School and the University of Kentucky.

He came to Paducah in 1960 following eight years of service in the U.S. Air Force, then taking on the family business, Usher Transportation Co., as president.

In recent years, he strongly supported several charitable organizations and the Paducah Police Department.

While most of his work remained anonymous, his chief involvement with the department was with Christmas Cops, a program

engaging police with area families and youth through shopping for gifts and necessities.

"Bill, being a huge supporter of the mission of the police department to build relationships with the community and the children, has been instrumental in affecting many, many lives in this community positively by either financial support or being there to support our efforts," said Paducah Police Chief Brandon Barnhill, a friend of his for many years.

Usher's support of the department began when he initiated an annual fundraiser in support of the program in the 1990s. His efforts remained largely anonymous until the early 2000s, when he became a member of the Christmas Cops board.

"Whether it was financial or moral, he was always there in a supporting nature," Barnhill said. "He was a big driving force behind much of what we do during the Christmas season. He was a well-grounded individual, and he stayed true to his principles. He would give you the shirt off his back if that's what it took, and that's putting it lightly."

A healthy community with thriving individuals was Usher's goal, believing connections and relationships were key to achieving it.

"He fully understood the value of mentoring and fostering a positive relationship with the police and youth," said Stacey Grimes, retired assistant chief of criminal investigations with the Paducah Police Department. "We're not always arresting people or writing tickets, and he wanted them to see us in a different light."

Grimes met Usher in 1994 at a Christmas Cops fundraiser, then called Shop with a Cop.

"He and his wife didn't want any praise or publicity for hosting the fundraiser," Grimes said. "He was extremely humble and was probably the most benevolent man that I've ever met. He never sought praise for what he did, not even a pat on the back."

"He always worked everything behind the scenes. His work helped ensure the program is sustainable for the future. Because of what Bill set up, I think it will be there for generations to come."

Usher's friends agree that helping others was always his top priority.

"The hardest part of this is that we will never know how many lives Bill has positively affected," Barnhill said. "But we do know there are many, many out there. It's just the person that he was."

#### TRIBUTE TO LESLIE PROLL

Mr. LEAHY. Mr. President, I would like to recognize Leslie Proll, the director of policy for the NAACP Legal Defense and Educational Fund, Inc., for her years of excellent public service as she begins a new chapter in her career. Since 1998, Leslie has served as policy director at LDF, where she has advocated for the organization's policy and legislative priorities. She has brought her expertise to bear on advancing important Federal civil rights legislation and advocating for well-qualified, diverse nominees to serve in our Federal judiciary and the executive branch.

My staff has worked closely with her over the years, and she has been steadfast and unwavering in her commitment to civil rights. Leslie provided invaluable support when Congress reauthorized the Voting Rights Act in 2006 and passed the Lilly Ledbetter Fair Pay Act in 2009. Her contributions to

these two critical legislative initiatives, along with the civil rights community, proved instrumental in moving these two bills through Congress.

Leslie has been an effective and tireless advocate in promoting diversity in our Federal judiciary so that our courts are more representative of the citizenry they serve. Our justice system has been made a better one because of her contributions. I commend Leslie for her years of service and wish her the best as she moves forward in her career.

#### CONFIRMATION OF ROBERT CALIFF

Mr. GRAHAM. Mr. President, I ask my colleagues to join me in congratulating Dr. Robert Califf on his confirmation today as Food and Drug Administration, FDA, Commissioner. Dr. Califf is a well-respected cardiologist that hails from Anderson, SC,—very close to where I grew up. He has served our country and its medical needs in a variety of capacities. As a faculty member and professor at Duke University, he founded the Duke Clinical Research Institute and served as vice chancellor for clinical research. In addition to his accomplishments during his tenure at Duke, he is an active member of several professional organizations, including committees of the Institute of Medicine of the National Academies and the FDA.

In 2015, Dr. Califf was named Deputy Commissioner for Medical Products and Tobacco for the FDA. In this role, Dr. Califf is responsible for overseeing and directing the Center for Drug Evaluation and Research, the Center for Devices and Radiological Health, and the Center for Tobacco Products. He also oversees the Office of Special Medical Programs.

The broad bipartisan support for Dr. Califf's nomination is testament to his strong, transparent leadership and record of advancing medical breakthroughs. The FDA has been operating without a confirmed Commissioner for the past year, and I applaud the Senate's confirmation of Dr. Califf. I look forward to working with Dr. Califf as he brings his expertise to addressing challenges facing the FDA and our Nation.

#### VOTE EXPLANATION

Mr. WARNER. Mr. President, today the Senate voted on the confirmation of Dr. Robert Califf to serve as Commissioner of Food and Drugs, Department of Health and Human Services. While I was unable to vote today, I would have supported Dr. Califf's nomination, just as I supported proceeding to cloture on his nomination in Monday evening's vote.

The Food and Drug Administration has lacked a permanent Commissioner for almost a year, despite its role overseeing the safety of 25 percent of goods sold in the United States, including

food, drugs, medical devices, cosmetics, and vitamin supplements.

I believe that Dr. Califf, a Duke cardiologist and clinical trial researcher endorsed by over 100 physician and patient groups, is well qualified to oversee this critical mission.

I look forward to working with Dr. Califf to implement key public health priorities, including examining ways to tackle rising prescription drugs prices, improve clinical trials, and combat the opioid epidemic.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mrs. MCCASKILL. Mr. President, I was necessarily absent for today's vote on the nomination of Robert McKinnon Califf to be Commissioner of Food and Drugs, Department of Health and Human Services.

I would have voted nay.●

#### BUDGET SCOREKEEPING REPORT

Mr. ENZI. Mr. President, I wish to submit to the Senate the budget scorekeeping report for February 2016. The report compares current law levels of spending and revenues with the amounts provided in the conference report to accompany S. Con. Res. 11, the budget resolution for fiscal year 2016. This information is necessary to determine whether budget points of order lie against pending legislation. It has been prepared by the Republican staff of the Senate Budget Committee and the Congressional Budget Office, CBO, pursuant to section 308(b) of the Congressional Budget Act, CBA.

This is the second scorekeeping report for this calendar year but the sixth report I have made since adoption of the fiscal year 2016 budget resolution on May 5, 2015. My last filing can be found in the CONGRESSIONAL RECORD on January 11, 2016. The information contained in this report is current through February 22, 2016.

Table 1 gives the amount by which each Senate authorizing committee is below or exceeds its allocation under the budget resolution. This information is used for enforcing committee allocations pursuant to section 302 of the CBA. Over the fiscal year 2016–2025 period, which is the entire period covered by S. Con. Res. 11, Senate authorizing committees have spent \$147.9 billion more than the budget resolution calls for.

Table 2 gives the amount by which the Senate Committee on Appropriations is below or exceeds the statutory spending limits. This information is used to determine points of order related to the spending caps found in section 312 and section 314 of the CBA. On December 18, 2015, the President signed H.R. 2029, the Consolidated Appropriations Act, 2016, P.L. 114–113, into law. This bill provided regular appropriations equal to the levels set in the Bipartisan Budget Act of 2015, P.L. 114–74, specifically \$548.1 billion in budget authority for defense accounts, revised